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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,132	02/18/2004	Benoit Barabe	50037.221US01	5202

27488 7590 01/03/2007  
MERCHANT & GOULD (MICROSOFT)  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

EXAMINER
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LEWIS, DAVID LEE

ART UNIT	PAPER NUMBER
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2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/782,132	BARABE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	David L. Lewis	2629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/9/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**1. Claims 1-5, 9-13, and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thielens et al. (5666139), Norwood (5063600) incorporated by reference.**

**As in claim 1, Thielens et al. teaches of a method for indicating writing on a screen, figure 7,**

**comprising: receiving a gesture from a user, column 12 lines 1-20;**

**determining whether the gesture is a tap, column 12 lines 1-20;**

**and when the gesture is a tap: determining a location on the screen associated with the tap, column 12 lines 1-20; wherein said feature is inherent in view of said tablets surface sensing the location of the pen tip on the tablet and transmits the coordinates of the pen to the computer, and editing in a specific location detailed by the caret and tap. (Thielens and Norwood)**

and determining that the tap indicates to create a document structure on the screen, **column 1 lines 1-20**. Wherein the document structure is a writing pad.

**However Thielens et al. fails to explicitly teach** of determining whether the location on the screen is without content and when the location on the screen is without content: determining that the tap indicates to create a document structure on the screen.

**Thielens teaches** of editing a text which includes adding the insertion of words, lines, and paragraphs into the main text, as well as the insertion of words, lines, and paragraphs at the end of the text. Therefore it would be obvious to include an algorithm that would have to consider where existing text exists to properly annotate the text without writing over it.

**Thielens also teaches by incorporation of Norwood (US Patent # 5,063,600), column 22 lines 64-67, column 28 lines 41-58**, that an algorithm may be developed to make sure that if there are graphics or other items in the target area, that the item being moved can be shifted to a clear area to avoid overlaying existing items, and for the purpose of confirming that the information being updated will not overlay any existing information on the target card.

**Therefore it would have been obvious to the skilled artisan** at the time of the invention that Thielens obviously teaches of determining whether the location is with or without content so that the text annotation will be properly layed at the location identified by the users tap gesture, as found in claim 1.

**As in claim 2, Thielens et al. teaches** wherein determining that the tap indicates to create the document structure on the screen further comprises determining that the tap indicates to create writing on the screen, column 12 lines 1-20.

**As in claim 3, Thielens et al. teaches** further comprising creating a first level of writing approximately at the location of the tap when the tap indicates writing on the screen, column 12 lines 1-20.

**As in claim 4, Thielens et al. teaches** wherein determining whether the gesture is the tap, further comprises determining a speed and a dimension associated with the gesture, column 12 lines 1-20. where the caret is the dimension and the tap timed to be after the caret is generally taught.

**As in claim 5, Thielens et al. teaches** further comprising creating a second level of writing when the tap location is within a predetermined distance of the first level of writing, column 12 lines 1-20. wherein multiple annotations are taught.

**As in claim 9, Thielens et al. teaches** of a computer-readable medium having computer executable instructions for determining writing on a screen, **figure 7, column 5 lines 40-63, column 7 lines 45-67,**

the instructions comprising: receiving a gesture, **column 12 lines 1-20;**

determining a location on the screen associated with the gesture, **column 12 lines 1-20;** wherein said feature is inherent in view of said tablets surface sensing the location

of the pen tip on the tablet and transmits the coordinates of the pen to the computer, and editing in a specific location detailed by the caret and tap (Thielens and Norwood)

determining that the tap indicates to create a document structure on the screen, **column 12 lines 1-20**. Wherein the document structure is a writing pad

**However Thielens et al. fails to explicitly teach** of determining whether the location on the screen is without content and when the location on the screen is without content: determining that the tap indicates to create a document structure on the screen.

**Thielens teaches** of editing a text which includes adding the insertion of words, lines, and paragraphs into the main text, as well as the insertion of words, lines, and paragraphs at the end of the text. Therefore it would be obvious to include an algorithm that would have to consider where existing text exists to properly annotate the text without writing over it.

**Thielens also teaches by incorporation of Norwood (US Patent # 5,063,600), column 22 lines 64-67, column 28 lines 41-58**, that an algorithm may be developed to make sure that if there are graphics or other items in the target area, that the item being moved can be shifted to a clear area to avoid overlaying existing items, and for the purpose of confirming that the information being updated will not overlay any existing information on the target card.

**Therefore it would have been obvious to the skilled artisan** at the time of the invention that Thielens obviously teaches of determining whether the location is with or

without content so that the text annotation will be properly layed at the location identified by the users tap gesture, as found in claim 9.

**As in claim 10, Thielens et al. teaches** of wherein determining that the tap indicates to create the document structure further comprises determining that the tap indicates to create writing on the screen, **column 12 lines 1-20.**

**As in claim 11, Thielens et al. teaches** of further comprising creating a first level of writing approximately at the location of the tap when the tap indicates writing on the screen, **column 12 lines 1-20.**

**As in claim 12, Thielens et al. teaches** of further comprising determining whether the gesture is the tap by determining a speed and a dimension associated with the gesture, **column 12 lines 1-20.**

**As in claim 13, Thielens et al. teaches** of further comprising creating a second level of writing when the tap location is within a predetermined distance of the first level of writing, **column 12 lines 1-20.**

**As in claim 17, Thielens et al. teaches** of a system for determining writing on a screen, **figure 7, column 5 lines 40-63, column 7 lines 45-67**

comprising: a screen configured to receive pen input, **figure 7, column 12 lines 1-20;**

a gesture recognizer configured to receive a gesture and determine when the gesture is a tap, **column 2 lines 63-67, column 12 lines 1-20;**

and an application configured to perform actions, including: receiving the tap from the gesture recognizer, **column 5 lines 40-63, column 7 lines 45-67, column 12 lines 1-20;**

determining a location on the screen associated with the tap, column 12 lines 1-20;

determining that the tap indicates to create a document structure on the screen, column 12 lines 1-20.

**However Thielens et al. fails to explicitly teach** of determining whether the location on the screen is without content and when the location on the screen is without content: determining that the tap indicates to create a document structure on the screen.

**Thielens teaches** of editing a text which includes adding the insertion of words, lines, and paragraphs into the main text, as well as the insertion of words, lines, and paragraphs at the end of the text. Therefore it would be obvious to include an algorithm that would have to consider where existing text exists to properly annotate the text without writing over it.



**Thielens also teaches by incorporation of Norwood (US Patent # 5,063,600), column 22 lines 64-67, column 28 lines 41-58,** that an algorithm may be developed to make sure that if there are graphics or other items in the target area, that the item being moved can be shifted to a clear area to avoid overlaying existing items, and for the purpose of confirming that the information being updated will not overlay any existing information on the target card.

**Therefore it would have been obvious to the skilled artisan** at the time of the invention that Thielens obviously teaches of determining whether the location is with or without content so that the text annotation will be properly layed at the location identified by the users tap gesture, as found in claim 17.

**As in claim 18, Thielens et al. teaches** wherein determining that the tap indicates to create the document structure on the screen further comprises determining that the tap indicates to create writing on the screen, column 12 lines 1-20.

**As in claim 19, Thielens et al. teaches** further comprising creating a first level of writing approximately at the location of the tap when the tap indicates writing on the screen, column 12 lines 1-20.

**As in claim 20, Thielens et al. teaches** wherein the gesture recognizer is further configured to determine whether the gesture is the tap by determining a speed and a dimension associated with the gesture, column 12 lines 1-20.

**As in claim 21, Thielens et al. teaches** further comprising creating a second level of writing when the tap location is within a predetermined distance of the first level of writing, column 12 lines 1-20. wherein multiple annotations are taught

2. **Claims 6-8, 14-16, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thielens et al. (5666139), Norwood (5063600) incorporated by reference in view of Jaeger (22004/0060000).**

**As in claims 6-8, 14-16, and 22-24, Thielens fails to teach** of said indenting feature. **Jaeger teaches of** a method for text editing including tap gestures, wherein the indenting of a first and second level is applied, **paragraphs 18-20. Both Thielens and Jaeger teach** of pen based systems comprising gesture based text editing, and **therefore it would have been obvious to the skilled artisan** at the time of the invention to combine the features of Thielens et al.'s text editing with that of Jaeger because Jaeger teaches of commonly known edit features that Thielens teaches are desirable as was with conventional word processing software, column 1 lines 15-23. Said indent feature is a conventional word processing software feature and Thielens teaches of providing gesture based text editing.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 5231698, 7096432, 2003/0071850, 5528743.

Art Unit: 2629

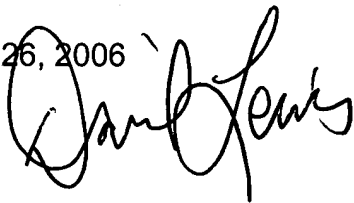
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **David L. Lewis** whose telephone number is **(571) 272-7673**. The examiner can normally be reached on MT and THF from 8 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached on **(571) 272-7681**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571)-273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner: David L. Lewis

December 26, 2006

A handwritten signature in black ink, appearing to read "David Lewis", is written over the date "December 26, 2006".